IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 258 of 2001
with
CIVIL APPLICATION No 7147 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAY KHODIYAR DAIRY PVT.LTD.

Versus

KAIRA DISTRICT CO-OP.MILK PRODUCERS UNION LTD.

Appearance:
1. Appeal from Order No. 258 of 2001
MR ANSHIN H DESAI for Appellant No.
NANAVATI ASSOCIATES for Respondent No. 1
RULE SERVED for Respondent No. 2-4

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 07/02/2005

ORAL JUDGEMENT

1. This Appeal from Order arises from the order dated 4th May, 2001 below application Exh. 5 in Civil

Suit No. 1737 of 2001, whereby the learned Judge has modified the order below notice of motion and restrained the defendants from marketing milk and milk products in similar pouch packing.

2. While admitting this Appeal from Order, this Court in Civil Application No. 1737 of 2001 had not granted any stay. Now, as status quo is not granted, it would be appropriate to direct the parties to maintain status quo as on today till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met, if the trial Court is directed to expedite the hearing of the said suit while continuing the status quo.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suit No. 1737 of 2001 pending before the Court of the learned City Civil Court, Ahmedabad, as expeditiously as possible and preferably within a period of two years from the date of receipt of writ of this order. However, it is clarified that if the present appellant is desirous to change their colour scheme as well as design, it will be open for the appellant to apply before the Trial Court and the trial Court shall consider the same in accordance with law.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo as on today, till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

CIVIL APPLICATION No. 7174 of 2001:-

In view of the order passed in the main matter, no orders on this Civil Application. The Civil Application stands disposed of accordingly.

[K. S. JHAVERI, J.]

/phalguni/